IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

OP.No. 6474 of 1997(U)

PETITIONER:

CHERIAN VARGHESE, BILL COLLECTOR,
THIRUVALLA MUNICIPALITY.

BY ADV. SRI.G.JANARDHANA KURUP
SRI.JOHN K.GEORGE

RESPONDENTS:
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1. THE DIRECTOR OF MUNICIPAL ADMINISTRATION,
SECRETARIAT, THIRUVANANTHAURAM.

2. THE SECRETARY, THIRUVALLA MUNICIPALITY,
THIRUVALLA.

R1 BY GOVT PLEADER SMT.SMITHA SUKUMAR

BY ADV. SRI.V.GIRI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP NO.11677 OF 1997 IN OP NO.6474 OF 1997 U

//DISMISSED//

13.06.2007. SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.

APPENDIX

PETIITONER'S EXHIBITS:

EXT.P1: TRUE COPY OF ORDER OF THE 2ND RESPONDENT DATED 31.5.1989.

EXT.P2: TRUE COPY OF MEMO OF THE 2ND RESPONDENT DATED 13.6.98.

EXT.P3: TRUE COPY OF REPLY OF THE PETITIONER DATED 28.6.98.

EXT.P4: TRUE COPY OF MEMO OF THE 2ND RESPONDENT DATED 6.7.89.

EXT.P5: TRUE LCOPY OF JUDGMENT IN C.C.NO.484/91 OF THE JUDICIAL MAGISTRATE OF 1ST CLASS, THIRUVALLA DATED 30.6.1995.

EXT.P6: TRUE COPY OF ORDER OF THE 2ND REPSONDENT DATED 26.2.1996.

EXT.P7: TRUE COPY OF MEMO OF THE 2ND RESPONDENT DATED 20.4.1996.

EXT.P8: TRUE COPY OF REPLY OF THE PETITIONER DATED 16.5.1996.

EXT.P9: TRUE COPY OF COMMUNICATION OF THE 2ND RESPONDENT DATED 24.8.1996.

/TRUE COPY/

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.6474 OF 1997

Dated this the 13th day of June, 2007

JUDGMENT

Petitioner was serving as a Bill Collector in the Thiruvalla Municipality. While so, he was found to have made corrections in the originals of certain receipts issued by him as Bill Collector, specific details of which are stated in the impugned Ext.P9. He also did not credit the amounts collected thereby into the accounts of the Municipality. He was placed under suspension on 31.5.1989 and a report was sent to the Thiruvalla Police Station in that regard. Following that, he deposited the amount on 1.6.1989 and was charge sheeted by the police and tried by the Judicial Magistrate of First Class, Thiruvalla in C.C.No.484/91, wherein, he was acquitted giving him the benefit of doubt. On the above premise and taking a lenient and humanitarian view, he was reinstated on 1.3.1996. By the impugned Ext.P9 order, the period of suspension from 31.5.1989 to 29.2.1996 was decided to be treated as period of suspension and not to be regularised.

Having regard to the facts noticed above, I find no jurisdictional error, illegality or infirmity in the decision of the competent authority as is contained in Ext.P9. The writ petition fails. The same is accordingly, dismissed.

Sd/-

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.6474 OF 1997

JUDGMENT

13TH JUNE, 2007.

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